

**IN THE UNITED STATES DISTRICT FOR
THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

CONNOR and **AMANDA**
ELLIOTT, individually and as next
friend of **N.E.**, their minor child,

Plaintiffs

vs.

UNITED STATES OF AMERICA,

Defendant

NO. 1:19-CV-00427-LY

PLAINTIFFS' EXHIBIT LIST

EXHIBIT	DESCRIPTION	OBJECTION?	ADMITTED?
1.	Records of Carl R. Darnall Army Medical Center re Amanda Elliott (including, but not limited to, pre-pregnancy, prenatal, labor & delivery, AHLTA Outpatient Clinics, postpartum, ultrasound imaging, nonstress testing, electronic fetal monitoring tracings)		
2.	Records of Carl R. Darnall Army Medical Center re Nolan Elliott, including but not limited to all records, laboratory records, radiology imaging		
3.	Records of Baylor Scott & White McLane Children's Hospital, 1901 SW H K Dodgen Loop, Temple, TX 76502, records re Nolan Elliott, including but not limited to, neonatal intensive care, pediatric care, specialty clinic care, therapy, emergency visits		
4.	Records of Cincinnati Children's Hospital, 3333 Burnet Avenue, Cincinnati, OH 45229, re Nolan Elliot, including but not limited to, emergency visits, inpatient medical care, outpatient medical care, therapy clinics, pediatric, specialty clinics, and pharmacy		

EXHIBIT	DESCRIPTION	OBJECTION?	ADMITTED?
5.	Records of Cincinnati Children's Hospital Medical Center Home Health Care Services, 333 Burnet Avenue, Cincinnati, OH 45229, including but not limited to home health services and provision of durable medical equipment and supplies.		
6.	Records of First Steps Kentucky Early Intervention System, 275 E. Main Street, HS2W-C, Frankfort, KY 40621.		
7.	Records of Ludlow Independent School District, including but not limited to Mary A. Goetz Elementary School, 525 Elm Street, Ludlow, KY 41016.		
8.	Carl R. Darnall Army Medical Center and Clinics Billing Records		
9.	Baylor Scott & White, McLane Children's Hospital Billing Records		
10.	Cincinnati Children's Hospital and Medical Center Billing Records		

EXHIBIT	DESCRIPTION	OBJECTION?	ADMITTED?
11.	Walgreen's Pharmacy Billing Records		
12.	Kroger Pharmacy Billing Records		
13.	TriCare Billing Records		
14.	Ohio Medicaid Billing Records		
15.	Kentucky Passport (Medicaid Program) Billing Records		
16.	Photographs and Videos of Nolan Elliott		
17.	Life Care Plan of Rehabilitation Professional Consultants (Summary Exh. Under FRE 1006)		
18.	Economic Report of John Swiger, Ph.D. (Summary Exh. Under FRE 1006)		
19.	Pitocin/Oxytocin Induction/Augmentation Protocol, dated July 14, 2014 (Darnall Policy, Procedure or Protocol).		

EXHIBIT	DESCRIPTION	OBJECTION?	ADMITTED?
20.	Antepartum Fetal Surveillance, dated July 14, 2014 (Darnall Policy, Procedure or Protocol).		
21.	Labor Epidural Anesthesia & Intrathecal Narcotic Analgesia, dated 03 Nov 2016 (Darnall Policy, Procedure or Protocol).		
22.	Intrapartum Electronic Fetal Monitoring, dated July 14, 2014 (Darnall Policy, Procedure or Protocol).		
23.	Management of Preeclampsia and Eclampsia, dated 29 July 2014 (Darnall Policy, Procedure or Protocol).		
24.	Carl R. Darnall Army Medical Center, Outpatient Register, 23 Nov 15		
25.	Carl R. Darnall Army Medical Center, Delivery Log, 23 Nov 2015 – 24 Nov 2015		
26.	Carl R. Darnall Army Medical Center, Floor Plan for Labor & Delivery		

EXHIBIT	DESCRIPTION	OBJECTION?	ADMITTED?
27.	National Vital Statistics Reports; Vol. 68, No. 7, Table 14, Life Table for Non-Hispanic Males, United States 2017; June 24, 2019.		
28.	Duboe CV		
29.	Hall CV		
30.	Glass CV		
31.	Phillips CV		
32.	Shinn CV		
33.	Brown CV		
34.	Bagnell CV		
35.	Bagwell CV		
36.	Swiger CV		

MAY-OFFER LIST

Plaintiffs may offer the following exhibits, should the need arise:

EXHIBIT	DESCRIPTION	OFFERED?	ADMITTED?
37.	Defendant's Initial Disclosures		
38.	Defendant's Resp. to Plaintiffs' Request for Production		
39.	Defendant's Resp. to Plaintiffs' Interrogatories		

LITERATURE EXHIBITS

Plaintiffs may offer the following exhibits for the limited purpose as a learned treatise under Fed. R. Evid. 803(18). These are not intended to be offered into evidence, but certain portions may be read into the record.

EXHIBIT	DESCRIPTION
40.	American College of Obstetricians and Gynecologists (2013) Diagnosis and Management of Preeclampsia and Eclampsia. ACOG Practice Bulletin No 514 & 573. American College of Obstetricians and Gynecologists, Washington, D.C.
41.	American College of Obstetricians and Gynecologists, (2005) Intrapartum Fetal Heart Rate Monitoring. ACOG Practice Bulletin No. 62. Obstetrics and Gynecology; vol 105, p. 1161-1169.
42.	Association of Women's Health, obstetric and neonatal nurses (AWHONN). Standards and guidelines for professional nursing practice in the care of women and newborns (April 21, 2011)
43.	Barry S. Schifrin, MD, Wayne R. Cohen, MD. Medical Legal Issues in Fetal Monitoring. Clinics in Perinatology June 2007; 34(2):329-343.
44.	Berglund, S., et al. "How often is a low Apgar score the result of substandard care during labour?." BJOG: An International Journal of Obstetrics & Gynaecology 117.8 (2010): 968-978.

EXHIBIT	DESCRIPTION
45.	Betsy Bates, Hon fetal heart rate pattern flags brain damage. May 15, 2005 OB GYN News.
46.	Chen, HY et al. Electronic fetal heart rate monitoring and its relationship to neonatal and infant mortality in the United States. AJOG June 2011. P491.e1-10.
47.	Clark, Category II FHRT. Am. J. Obstet. Gynecol. 2013
48.	Cunningham, F., Gant, N., et al. (2010) Williams Obstetrics, 23rd edition. McGraw-Hill, USA.
49.	Cunningham, Gary, Leveno, Kennith J., Bloom, Steven L., and Haath, John C. (2010) Williams Obstetrics 21St Ed, McGraw-Hill, New York
50.	Elliott, Colm, et al. "Graded classification of fetal heart rate tracings: association with neonatal metabolic acidosis and neurologic morbidity." American journal of obstetrics and gynecology 202.3 (2010): 258-e1.
51.	Frances Cowan, et al., Origin and Timing of Brain Lesions in Term Infants with Neonatal Encephalopathy, 361 Lancet 736-42 (2003)
52.	Hamilton EF, MD et al. Graded Classification of fetal heart rate tracings: association with neonatal metabolic acidosis and neurologic morbidity. Am J Obstet Gynecol 2010;202:258.e1-8.

EXHIBIT	DESCRIPTION
53.	Hemming K, et al. Regional variation in survival of people with cerebral palsy in the UK. Pediatrics 2005; 116:1383.
54.	Hemming K, Hutton JL, Pharoah PO. Long-term survival for a cohort of adults with cerebral palsy. Dev Med Child Neurol 2006; 48(2):9G95.
55.	Johnson, MV. et al. Models of Cerebral Palsy: Which Ones Are Best? J Child Neurol 2005;20(12):984-987.
56.	Kathleen Rice Simpson, PhD, RNC, Dotti C. James, PhD, RNC, Effects of oxytocin-induced uterine hyperstimulation during labor on fetal oxygen status and fetal heart rate patterns, 199:34 Am J Obstet Gynecol 34.e1-34.e5 (2008)
57.	Low JA, Victory R, Derrick EJ. Predictive Value of Electronic Fetal Monitoring for Intrapartum Fetal Asphyxia with Metabolic Acidosis. Am J of Obstet and Gynecol 1999; 93:285-291
58.	Low, JA. Intrapartum fetal asphyxia: Definition, diagnosis, and classification. Am J Obstet Gynecol 1997;176:957-9
59.	Low, JA. The prediction and prevention of intrapartum fetal asphyxia in term pregnancies. Am J Obstet Gynecol 2001;184:724-30.

EXHIBIT	DESCRIPTION
60.	Murray, M., Huelsmann, G., and Koperski, N. (2011) Essentials Of Electronic Fetal Montoring(4 th edition). Springer Publishing Company, NY
61.	National Certification Corporation (2006). Applying NICHD Terminology and Other Factors to Electronic Fetal Monitoring Interpretation. NCC Monograph, Vol. 2, No. 1, p. 1-13
62.	Neonatal Encephalopathy and Neurologic Outcome, Second Edition VOL. 123, NO. 4, APRIL 2014 OBSTETRICS & GYNECOLOGY Report of the American College of Obstetricians and Gynecologists' (Also published in <i>Pediatrics</i> .)
63.	Neufeld JA, Monasteno E, Livingston LA, Taylor LA, Riddick-Grisham S, Taylor R. Life careplanning for children with neurodevelopmental disabilities. In Pediatric Life Care Planning andCase Management (S Riddick-Grisham). CRC Press, Boca Raton, FL. 20U.412486.
64.	Plioplys AV. 1998 survival rates are an underestimate, October, 2004
65.	Plioplys AV. Comparison Eyman vs. Plioplys, October, 2004
66.	Plioplys AV. Effect of government regulations on death rates of severely disabled, cerebral palsied children, 2005

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67.	Plioplys AV. Life expectancy of severely disabled children. a brief review. In Pediatric Life Care Plannlng and Case Management, (ed. Riddick-Grisham S.) CRC Press,2004: 781--70E
68.	Plioplys AV. Pediatric skilled nursing facilities: Improved survival rates. Vulnerable Populations in the Long Term Care Continuum, (eds. KaE PR, Mezey MD, Kapp MB.) Springer 2004. 109-1 31.
69.	Plioplys AV. Survival rates of children with severe neurologic disabilities: a review. Seminars in Pediatric Neurology 2003; 10:120-129.
70.	Pliopys AV. Life expectancy determination: cerebral palsy, traumatic brain injury and spinal cord injury, anaylsis and comparison. Journal of Life Care Planning, 2012', 11(3).25-38.
71.	Reid, Carlin, Reddibough, "Survival of individuals with CP born in Victoria, Australia between 1970-2004," Developmental Medicine & Child Neurology2012, 54: 353–360
72.	Roger K. Freeman, M.D., et al., Fetal Heart Rate Monitoring Ch. 15 Lippincott Williams & Wilkins (3d ed. 2003).
73.	Roger K. Freeman, M.D., et al., Fetal Heart Rate Monitoring. Lippincott Williams & Wilkins (3d ed. 2003)

EXHIBIT	DESCRIPTION
74.	Steven L. Clark, MD; Michael P. Nageotte, MD; Thomas J. Garite, MD; Rodger K. Freeman, MD; David A. Miller, MD; Julian T. Parer, MD; Richard L. Berkowitz, MD; Mary D'Alton, MD; Dwight J. Rouse, MD; Larry C. Gilstrap, MD; Anthony M. Vintzileos, MD; J. Peter van Dorsten, MD; Frank H. Boehm, MD; Lisa A. Miller, CNM, JD; Gary D. V. Hankins, MD. Intrapartum management of category II fetal heart rate tracings: toward standardization of care. AJOG Aug. 2013. Pp 89-97.
75.	Touyama [Nil, Touyama J, Ochiai Y, et al. Long-term survival of children with cerebral palsy in Okinawa, Japan. Developmental Medicine & Child Neurology 2013; 55:459-463.
76.	Turk MA. Health, mortality and wellness issues in cerebral palsy. Dev Med Child Neurol. 2009 Oct; 51(Suppl 4):24-9.
77.	Volpe, Joseph J., et al. Volpe's Neurology of the Newborn. Elsevier Health Sciences, (2017 & 2008 ed.)
78.	Westgate, JA, Wibbens, B, Bennet, L, et al. (2007). The Intrapartum deceleration in center stage: a physiologic approach to the interpretation of fetal heart rate changes in labor. American Journal of Obstetrics and Gynecology. P 197-236.
79.	Williams KP, et al. Intrapartum fetal heart rate pattern in the prediction of neonatal acidemia. Am J Obstet Gynecol 2003;188:820-3

EXHIBIT	DESCRIPTION
80.	Zhang, Shan, et al. "Birth asphyxia is associated with increased risk of cerebral palsy: a meta-analysis." Frontiers in neurology 11 (2020)704.

DEMONSTRATIVE EXHIBITS

EXHIBIT	DESCRIPTION
81.	Timeline
82.	Before and After Charts
83.	Photos of Elliott Family
84.	Videos of Elliott Family
85.	Fetal Monitor Strip Demonstrative
86.	Rules of the Road Chart

EXHIBIT	DESCRIPTION
87.	Oxygen Deprivation Events
88.	Damages Summary Chart
89.	Baby Elliott Medical Needs & Equipment Demonstrative

Respectfully Submitted,

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CERTIFICATE OF SERVICE

By my signature above, I certify that a copy of this pleading, Plaintiffs' Exhibit List, has been sent to the following on October 14, 2020 via the Court's CM/ECF notice system.

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